Mann, Laurie

From: Mann, Laurie
Sent: Monday, August 03, 2015 2:49 PM
To: MacIntyre, Mark
Cc: Croxton, Dave; Nickel, Brian
Subject: PCB response to Don

Mark,
Here's our response (reviewed by Dave C, Brian & me)

Don,
We want to make sure there is common understanding regarding the sources of PCBs in the Spokane River. Based on information in the email you sent us, we think that you may have misunderstood the information that was provided to you by members of the Task Force, and we believe that EPA and the Task Force have the same general understanding of the origins of the PCB contamination:

1) There is a mix of past (legacy) and present sources of PCBs contributing to the current PCB impairments in the Spokane river. Many contaminant pathways, like air deposition, contain a mix of legacy PCBs and new, inadvertently generated PCBs.
2) We believe that the relatively high levels of PCBs seen today in the Spokane River are likely the result of legacy contamination from industrial use of PCBs prior to the ban on PCB manufacturing in 1979. Today, those historic sources continue to contribute PCBs to the river through a variety of pathways including PCB contamination in soils (traveling to the river via stormwater and groundwater), building materials (traveling to the river via air deposition and stormwater) and lake and river sediment.
3) One reason we believe that newer consumer products with inadvertently-generated PCBs are a small fraction of the problem is that the PCB impairments in the Spokane River are unusually high relative to other parts of the State. If consumer products were the primary source of PCB contamination in the Spokane River, we would expect to see high levels of PCB contamination throughout Washington – and we don't.
4) The point source dischargers to the Spokane River (excluding stormwater) contribute between 8 and 33% of the loading in the River (varying with river flow). The remainder of the PCB loading comes from a variety of sources, including groundwater, stormwater, air deposition, tributaries, and unidentified sources in Idaho. Inadvertently-generated PCBs likely contribute loading to some of these pathways, especially air deposition, stormwater, and wastewater.

EPA is concerned about all of these potential sources, past and present, and strongly supports the work of the Task Force to further delineate the sources of PCB loading in the Spokane watershed.

If you have any further questions, please feel free to contact us. EPA's response to the remainder of your questions are included below:

> Question #1
>
> Why, when production of PCBs is banned in this country, does the EPA still allow a certain percentage of PCBs to occur in products sold here?
>
> While EPA's PCB regulations generally ban the manufacture (defined to include import as well) of PCBs, an exception is made for inadvertently generated PCBs that are unintentional impurities of many common commercial chemical or

manufacturing processes. EPA's regulations impose an annual average of 25 ppm and a 50 ppm maximum on the concentration of inadvertently generated PCBs manufactured or imported into the United States (see definition of "excluded manufacturing process, 40 CFR §761.3). Imported products and products produced domestically are regulated in the same manner. EPA has concluded that allowing such inadvertent generation has important economic benefits and does not pose an unreasonable risk to human health or the environment (see 49 FR 28172).

Question #2

Does the EPA have a short or long term plan to modify that policy?

Revising current regulations to reduce inadvertently generated PCBs presents both policy and scientific challenges. EPA currently has no plans to modify its policy regarding regulations of inadvertently generated PCBs.

Currently, EPA is considering restricting and/or eliminating many of the remaining authorized uses of higher-concentration liquid PCBs (see "Polychlorinated Biphenyls: Reassessment of Use Authorizations", April 10, 2010; 75 FR 17645). These remaining uses are the largest reservoir of commercial mixtures (Aroclors) that contain the dioxin-like PCBs. While restricting such uses would not address inadvertently generated non-dioxin-like PCBs, EPA believes this effort would help to reduce potential exposure and risk from remaining dioxin-like PCB uses. EPA is in the process of evaluating options for revising current PCB regulations, it has not made any proposed or final decisions.

In addition to potential rulemakings, another activity that may help to address inadvertently generated PCBs in products is EPA's Green Chemistry Program. EPA has provided funding to Washington State Department of Ecology to establish a Green Chemistry Center and is a member of the Advisory Board for the Center. The Green Chemistry Center plans to host a workshop later this year on PCBs inadvertently produced in inks and pigments, perhaps leading to improvements in the production and use of PCB-free inks and pigments.

From: Don Fels [mailto:donatofels@gmail.com]
Sent: Monday, July 27, 2015 4:43 PM
To: MacIntyre, Mark
Subject: Re: Spokane River

hi Mark- I am writing a two part piece on the PCBs in the Spokane River for crosscut.com. I have interviewed many of the stakeholders there, most of whom have committed a great deal of time to serve

on the Task Force trying to find solutions to the problem of PCBs getting in the tissue of fish in the river. All have told me that they began their work years ago thinking that the issue was legacy polluters who left PCBs in the soil that drains into the river, or who flushed the pollutants into the river directly. But those point sources only account for 8% of the PCBs in the Spokane River. The rest are coming in from common everyday use, that are buried in products used by us all. The EPA allows a certain percentage of PCBs to occur in such products. Why is that when production of PCBs is banned in this country? And does the EPA have a short/long term plan to modify that policy? I would greatly appreciate speaking with someone who can answer my questions.
thanks,
Don Fels

On Mon, Jul 27, 2015 at 12:29 PM, MacIntyre, Mark <Macintyre.Mark@epa.gov> wrote:

> Hey Don! Mark MacIntyre @ EPA….Can you give me a call about your Spokane River Story?
>
> Thanks!
>
> MM
>
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